

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN C. STRUNK,
 Plaintiff

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No. 1:16-cv-02199

(Judge Kane)
(Magistrate Judge Mehalchick)

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,¹
 Defendant

ORDER

Before the Court is the February 13, 2018 Report and Recommendation of Magistrate Judge Mehalchick, recommending that the Commissioner’s decision denying Plaintiff John C. Strunk’s claims for a period of disability and disability insurance benefits under Titles II and XVI of the Social Security Act be vacated, and that the case be remanded to the Commissioner to fully develop the record, conduct a new administrative hearing, and appropriately evaluate the evidence pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. No. 22.) No timely objections have been filed.² **ACCORDINGLY**, on this 30th day of March 2018, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Mehalchick (Doc. No. 22);
2. The Commissioner’s decision denying Plaintiff John C. Strunk’s claims for a period of disability and disability insurance benefits is **VACATED** and the case is **REMANDED** to the Commissioner to fully develop the record, conduct a new

¹ The Court notes that since the institution of this action, Carolyn W. Colvin has been succeeded as Acting Commissioner of the Social Security Administration by Nancy A. Berryhill. Pursuant to Federal Rule of Civil Procedure 25(d), a public officer’s successor is automatically substituted as a party in an action brought against the public officer in an official capacity.

² In a letter to the Court dated February 26, 2018, Defendant “waive[d] the opportunity to object to the Report and Recommendation.” (Doc. No. 23.)

administrative hearing, and appropriately evaluate the evidence pursuant to sentence four of 42 U.S.C. § 405(g); and

3. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania